

115TH CONGRESS  
1ST SESSION

# S. 2202

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2017

Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, Mr. BOOKER, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-  
4 ERENCES.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6 “National Transportation Safety Board Reauthorization  
7 Act”.

8       (b) TABLE OF CONTENTS.—The table of contents of  
9 this Act is as follows:

Sec. 1. Short title; table of contents; references.  
Sec. 2. Definitions.  
Sec. 3. Authorization of appropriations.  
Sec. 4. Still images.  
Sec. 5. Information sharing.  
Sec. 6. Electronic records.  
Sec. 7. Report on Most Wanted List methodology.  
Sec. 8. Methodology sections.  
Sec. 9. Addressing the needs of families of individuals involved in accidents.  
Sec. 10. Government Accountability Office report on investigation launch decision-making processes.  
Sec. 11. Periodic review of safety recommendations.  
Sec. 12. General organization.  
Sec. 13. Technical and conforming amendments.

1       (c) REFERENCES TO TITLE 49, UNITED STATES  
2 CODE.—Except as otherwise expressly provided, wherever  
3 in this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the reference shall be considered to be made to a  
6 section or other provision of title 49, United States Code.

7 **SEC. 2. DEFINITIONS.**

8       In this Act:

9           (1) BOARD.—The term “Board” means the Na-  
10 tional Transportation Safety Board.

11           (2) CHAIRMAN.—The term “Chairman” means  
12 the Chairman of the National Transportation Safety  
13 Board.

14           (3) MOST WANTED LIST.—The term “Most  
15 Wanted List” means the Board publication entitled  
16 “Most Wanted List”.

17 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

18       Section 1118(a) is amended to read as follows:

1       “(a) IN GENERAL.—There are authorized to be ap-  
2 propriated for the purposes of this chapter—  
3           “(1) \$111,400,000 for fiscal year 2019;  
4           “(2) \$112,400,000 for fiscal year 2020;  
5           “(3) \$113,400,000 for fiscal year 2021;  
6           “(4) \$114,400,000 for fiscal year 2022; and  
7           “(5) \$115,400,000 for fiscal year 2023.”.

8 **SEC. 4. STILL IMAGES.**

9       (a) STILL IMAGES, VOICE RECORDERS, AND VIDEO  
10 RECORDERS.—

11           (1) COCKPIT RECORDINGS AND TRANSCRIPTS.—

12       Section 1114(c) is amended—

13           (A) by redesignating paragraph (2) as  
14           paragraph (3);

15           (B) in paragraph (3), as redesignated, by  
16           inserting “REFERENCES TO INFORMATION IN  
17           MAKING SAFETY RECOMMENDATIONS.—” before  
18           “This”; and

19           (C) in paragraph (1)—

20           (i) in the first sentence, by striking  
21           “The Board” and inserting “CONFIDEN-  
22           TIALITY OF RECORDINGS.—Except as pro-  
23           vided in paragraph (2), the Board”; and

24           (ii) by amending the second sentence  
25           to read as follows:

1                 “(2) EXCEPTION.—Subject to subsections (b)  
2 and (g), the Board shall make public any part of a  
3 transcript, any written depiction of visual informa-  
4 tion obtained from a video recorder, or any still  
5 image obtained from a video recorder the Board de-  
6 cides is relevant to the accident—

7                 “(A) if the Board holds a public hearing  
8 on the accident or incident, at the time of the  
9 hearing; or

10                 “(B) if the Board does not hold a public  
11 hearing, at the time a majority of the other fac-  
12 tual reports on the accident are placed in the  
13 public docket.”.

14                 (2) SURFACE VEHICLE RECORDINGS AND TRAN-  
15 SCRIBTS.—Section 1114(d) is amended—

16                 (A) by redesignating paragraph (2) as  
17 paragraph (3); and

18                 (B) in paragraph (1)—

19                         (i) in the first sentence, by striking  
20 “The Board” and inserting “Except as  
21 provided in paragraph (2), the Board”;  
22 and

23                         (ii) by amending the second sentence  
24 to read as follows:

1                 “(2) EXCEPTION.—Subject to subsections (b)  
2                 and (g), the Board shall make public any part of a  
3                 transcript, any written depiction of visual informa-  
4                 tion obtained from a video recorder, or any still  
5                 image obtained from a video recorder the Board de-  
6                 cides is relevant to the accident—

7                         “(A) if the Board holds a public hearing  
8                 on the accident, at the time of the hearing; or  
9                         “(B) if the Board does not hold a public  
10                 hearing, at the time a majority of the other fac-  
11                 tual reports on the accident are placed in the  
12                 public docket.”.

13                 (3) PRIVACY PROTECTIONS.—Section 1114 is  
14                 amended by adding at the end the following:

15                 “(g) PRIVACY PROTECTIONS.—Before making public  
16                 any still image obtained from a video recorder under sub-  
17                 section (c)(2) or subsection (d)(2), the Board shall take  
18                 such action as appropriate to protect from public disclo-  
19                 sure any information that readily identifies an individual,  
20                 including a decedent.”.

21                 (b) COCKPIT AND SURFACE VEHICLE RECORDINGS  
22                 AND TRANSCRIPTS.—Section 1154(a) is amended—

23                         (1) in the heading, by striking “TRANSCRIPTS  
24                 AND RECORDINGS” and inserting “IN GENERAL”;

25                         (2) in paragraph (1)—

1                             (A) by redesignating subparagraphs (A)  
2                             and (B) as subparagraphs (B) and (C), respec-  
3                             tively; and

4                             (B) by inserting before subparagraph (B)  
5                             the following:

6                             “(A) any still image that the National  
7                             Transportation Safety Board has not made  
8                             available to the public under section 1114(c) or  
9                             1114(d) of this title;”;

10                             (3) in paragraph (3)—

11                             (A) in the matter preceding subparagraph  
12                             (A), by striking “recorder recording” and in-  
13                             serting “recorder recording, including with re-  
14                             gard to a video recording any still image that  
15                             the National Transportation Safety Board has  
16                             not made available to the public under section  
17                             1114(c) or 1114(d) of this title,”; and

18                             (B) in subparagraph (B), by striking “re-  
19                             corder recording” and inserting “recorder re-  
20                             cording, including with regard to a video re-  
21                             cording any still image that the National  
22                             Transportation Safety Board has not made  
23                             available to the public under section 1114(c) or  
24                             1114(d) of this title,”; and

25                             (4) in paragraph (4)—

- 1                             (A) in subparagraph (A)—  
2                                 (i) by inserting “a still image or” be-  
3                                 fore “a part of a cockpit”; and  
4                                 (ii) by striking “the part of the tran-  
5                                 script or the recording” each place it ap-  
6                                 pears and inserting “the still image, the  
7                                 part of the transcript, or the recording”;  
8                             (B) in subparagraph (B)—  
9                                 (i) by inserting “a still image or” be-  
10                              fore “a part of a cockpit”; and  
11                                 (ii) by striking “the part of the tran-  
12                                 script or the recording” each place it ap-  
13                                 pears and inserting “the still image, the  
14                                 part of the transcript, or the recording”;  
15                             and  
16                             (C) in paragraph (6)—  
17                                 (i) by redesignating subparagraph (B)  
18                                 as subparagraph (C); and  
19                                 (ii) by inserting after subparagraph  
20                                 (A) the following:  
21                                 “(B) STILL IMAGE.—The term ‘still image’  
22                                 means any still image obtained from a video re-  
23                                 corder.”.

1   **SEC. 5. INFORMATION SHARING.**

2       (a) CONFIDENTIAL INFORMATION.—Section 1114(b)

3   is amended—

4           (1) in the heading, by striking “TRADE SE-  
5           CRETS” and inserting “CERTAIN CONFIDENTIAL IN-  
6           FORMATION”;

7           (2) in paragraph (1)—

8              (A) in the matter preceding subparagraph

9              (A)—

10               (i) by inserting “IN GENERAL.” before  
11               “The Board”; and

12               (ii) by striking “information related to  
13               a trade secret referred to in section 1905  
14               of title 18” and inserting “information, in-  
15               cluding trade secrets, as described in sec-  
16               tion 1905 of title 18”; and

17              (B) in subparagraph (D), by striking “to  
18               the public to protect health and safety” and in-  
19               serting “subject to paragraph (4), to the public  
20               when the Board considers it necessary to pro-  
21               tect health and safety”;

22              (3) in paragraph (2), by striking “Information”  
23               and inserting “PRESERVATION OF CONFIDEN-  
24               TIALITY.—Information”; and

25              (4) by adding at the end the following:

1                 “(4) LIMITATION.—A disclosure under para-  
2 graph (1)(D) may only be considered necessary to  
3 protect health and safety if the Board is required  
4 under this chapter to explain a finding, a cause or  
5 probable cause, or a safety recommendation related  
6 to an accident or incident investigated by the Board  
7 and cannot reasonably fulfill its duties without such  
8 disclosure.”.

9                 (b) SHARING INFORMATION WITH OTHER FEDERAL  
10 AGENCIES.—Section 1114, as amended, is further amend-  
11 ed by adding at the end the following:

12                 “(h) LIMITATION.—A department, agency, or instru-  
13 mentality of the United States Government that receives  
14 information from the Board under this section may not  
15 publicly disclose any part of that information if the infor-  
16 mation is exempted or prohibited from disclosure under  
17 this chapter or any other law of the United States.”.

18 **SEC. 6. ELECTRONIC RECORDS.**

19                 Section 1134(a)(2) is amended by inserting “includ-  
20 ing an electronic record,” after “record,”.

21 **SEC. 7. REPORT ON MOST WANTED LIST METHODOLOGY.**

22                 (a) IN GENERAL.—Not later than the date that the  
23 first Most Wanted List to be published after the date of  
24 enactment of this Act is published, the Chairman shall  
25 publish on a publicly available Web site of the Board and

1 submit to the Committee on Commerce, Science, and  
2 Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives a report on the methodology used to prioritize  
5 and select recommendations to be included by the Board  
6 in the Most Wanted List.

7 (b) ELEMENTS.—The report under subsection (a)  
8 shall include—

9 (1) a detailed description of how the Board ac-  
10 counts for the risk to safety addressed in each of its  
11 recommendations, including the extent to which the  
12 Board considers—

13 (A) the types of data and other informa-  
14 tion, including studies and reports, used to  
15 identify the amount and probability of risk to  
16 safety;

17 (B) the reduction of the risk to safety, es-  
18 timated over a period of time, by implementing  
19 each recommendation;

20 (C) the practicality and feasibility of  
21 achieving the reduction described in subpara-  
22 graph (B); and

23 (D) any alternate means of reducing the  
24 risk;

1                         (2) a detailed description of the extent to which  
2                         the Board considers any prior, related investigation,  
3                         safety recommendation, or other safety action when  
4                         prioritizing and selecting recommendations; and

5                         (3) a description of the extent of coordination  
6                         and consultation when prioritizing and selecting the  
7                         recommendations.

8                 (c) CONSULTATION.—The Board shall consult with  
9                         the head of each relevant Federal department and agency  
10                  in developing the methodology described in subsection (a).

11                 (d) GAO REPORT.—Not later than 15 months after  
12                  the date that the methodology report is published under  
13                  subsection (a), the Comptroller General of the United  
14                  States shall submit to the Committee on Commerce,  
15                  Science, and Transportation of the Senate and the Com-  
16                  mittee on Transportation and Infrastructure of the House  
17                  of Representatives a report examining the methodology  
18                  used by the Board to prioritize and select safety rec-  
19                  ommendations for inclusion in the Most Wanted List, in-  
20                  cluding the extent to which the Board—

21                         (1) utilized best practices and rigorous analysis  
22                         to account for and prioritize the reduction of risk to  
23                         safety;

1                   (2) accounted for and factored in practicality,  
2                   feasibility, and alternative means of reducing risk;  
3                   and

4                   (3) coordinated and consulted when prioritizing  
5                   and selecting the recommendations.

6 **SEC. 8. METHODOLOGY SECTIONS.**

7                 (a) IN GENERAL.—Not later than 2 years after the  
8 date of enactment of this Act, the Chairman shall include  
9 with each investigative report in which a recommendation  
10 is issued by the Board, a methodology section detailing  
11 the process and information underlying the selection of  
12 each recommendation.

13                 (b) ELEMENTS.—Except as provided in subsection  
14 (c), the methodology section under subsection (a) shall in-  
15 clude, for each recommendation—

16                   (1) a brief summary of the Board's collection  
17                   and analysis of the specific accident investigation in-  
18                   formation most relevant to the recommendation;

19                   (2) a description of the Board's use of external  
20                   information, including studies, reports, and experts,  
21                   other than the findings of a specific accident inves-  
22                   tigation, to inform or support the recommendation,  
23                   including a brief summary of the specific safety ben-  
24                   efits and other effects identified by each study, re-  
25                   port, or expert;

1                   (3) a brief summary of any alternative actions  
2                   considered, including the alternative of not issuing a  
3                   recommendation; and

4                   (4) a brief summary of any examples of actions  
5                   taken by regulated entities prior to the publication  
6                   of the safety recommendation, to the extent such ac-  
7                   tions are known to the Board, that were consistent  
8                   with the recommendation.

9                   (c) EXCEPTION.—Subsection (a) shall not apply if  
10                  the recommendation is only for a person to disseminate  
11                  information on—

12                  (1) an existing agency best practices document;  
13                  or  
14                  (2) an existing regulatory requirement.

15                  (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
16                  tion may be construed to require any change to a rec-  
17                  ommendation made by the Board prior to the date of en-  
18                  actment of this Act, unless the recommendation is a repeat  
19                  recommendation issued on or after the date of enactment  
20                  of this Act.

21                  (e) SAVINGS CLAUSE.—Nothing in this section may  
22                  be construed to delay publication of the findings, cause,  
23                  or probable cause of a Board investigation.

## 1 SEC. 9. ADDRESSING THE NEEDS OF FAMILIES OF INDIVI-

## 2 UALS INVOLVED IN ACCIDENTS.

3 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-

4 LIC CONVENIENCE AND NECESSITY.—Section 41113 is

5 amended—

6 (1) in subsection (a), by striking “a major” and

7 inserting “any”; and

8 (2) in subsection (b)—

9 (A) in paragraph (9), by striking “(and

10 any other victim of the accident)” and inserting

11 “(and any other victim of the accident, includ-

12 ing any victim on the ground)”;

13 (B) in paragraph (16), by striking “major”

14 and inserting “any”; and

15 (C) in paragraph (17)(A), by striking “sig-

16 nificant” and inserting “any”.

17 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN

18 AIR TRANSPORTATION.—Section 41313 is amended—

19 (1) in subsection (b), by striking “a major” and

20 inserting “any”; and

21 (2) in subsection (c)—

22 (A) in paragraph (1), by striking “a sig-

23 nificant” and inserting “any”;

24 (B) in paragraph (2), by striking “a sig-

25 nificant” and inserting “any”;

1                           (C) by amending paragraph (9) to read as  
2                           follows:

3                           “(9) EQUAL TREATMENT OF PASSENGERS.—An  
4                           assurance that the treatment of the families of non-  
5                           revenue passengers (and any other victim of the ac-  
6                           cident, including any victim on the ground) will be  
7                           the same as the treatment of the families of revenue  
8                           passengers.”;

9                           (D) in paragraph (16), by striking  
10                          “major” and inserting “any”; and

11                          (E) in paragraph (17)(A), by striking “sig-  
12                          nificant” and inserting “any”.

13                          (c) ASSISTANCE TO FAMILIES OF PASSENGERS IN-  
14 VOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 is  
15 amended—

16                          (1) in subsection (a), by striking “aircraft acci-  
17                          dent within the United States involving an air car-  
18                          rier or foreign air carrier and resulting in a major  
19                          loss of life” and inserting “aircraft accident involv-  
20                          ing an air carrier or foreign air carrier, resulting in  
21                          any loss of life, and for which the National Trans-  
22                          portation Safety Board will serve as the lead inves-  
23                          tigative agency”; and

24                          (2) by amending subsection (h)(1) to read as  
25                          follows:

1           “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft  
2 accident’ means any aviation disaster, regardless of  
3 its cause or suspected cause, for which the National  
4 Transportation Safety Board is the lead investiga-  
5 tive agency.”.

6           (d) INFORMATION FOR FAMILIES OF INDIVIDUALS

7 INVOLVED IN ACCIDENTS.—

8           (1) IN GENERAL.—Chapter 11 is amended by  
9 inserting after section 1139 the following:

10 **“§ 1140. Information for families of individuals in-  
11 volved in accidents”**

12           “In the course of an investigation of an accident de-  
13 scribed in section 1131(a)(1), except an aircraft accident  
14 described in section 1136 or a rail passenger accident de-  
15 scribed in section 1139, the Board may, to the maximum  
16 extent practicable, ensure that the families of individuals  
17 involved in the accident, and other individuals the Board  
18 deems appropriate—

19           “(1) are informed as to the roles, with respect  
20 to the accident and the post-accident activities, of  
21 the Board;

22           “(2) are briefed, prior to any public briefing,  
23 about the accident, its causes, and any other find-  
24 ings from the investigation; and

1           “(3) are individually informed of and allowed to  
2       attend any public hearings and meetings of the  
3       Board about the accident.”.

4           (2) TABLE OF CONTENTS.—The table of con-  
5       tents of chapter 11 is amended by inserting after the  
6       item relating to section 1139 the following:

“1140. Information for families of individuals involved in accidents.”.

7   **SEC. 10. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
8                           **ON INVESTIGATION LAUNCH DECISION-MAK-**  
9                           **ING PROCESSES.**

10      Section 1138 is amended—

11           (1) in subsection (b)—

12               (A) by redesignating paragraphs (5) and  
13               (6) as paragraphs (6) and (7), respectively; and  
14               (B) by inserting after paragraph (4) the  
15               following:

16               “(5) the process and procedures to select an ac-  
17               cident to investigate;”; and

18               (2) in subsection (c), by inserting a comma  
19               after “Science”.

20   **SEC. 11. PERIODIC REVIEW OF SAFETY RECOMMENDA-**  
21                           **TIONS.**

22      (a) REPORTS.—Section 1117 is amended—

23               (1) in the heading, by striking “**Annual re-**  
24               **port**” and inserting “**Reports**”;

1                   (2) by inserting “(a) IN GENERAL.—” before  
2        “The National Transportation Safety Board shall”;  
3        and

4                   (3) by adding at the end the following:

5        “(b) RETROSPECTIVE REVIEW TO ENSURE UP-  
6        DATED AND EFFECTIVE SAFETY RECOMMENDATIONS.—

7                   “(1) IN GENERAL.—Not later than June 1,  
8        2019, the Chairman shall complete, based on the  
9        public comments under paragraph (2), a comprehen-  
10      sive review of recommendations issued by the Board  
11      that are classified as ‘open’ by the Board.

12        “(2) PUBLIC COMMENTS.—

13                   “(A) IN GENERAL.—Before conducting a  
14      review under paragraph (1), and at least every  
15      5 years thereafter, the Chairman shall publish  
16      in the Federal Register a request for public  
17      comment on recommendations to be updated or  
18      closed.

19                   “(B) RECOMMENDATIONS.—A request for  
20      public comment under subparagraph (A) shall  
21      solicit—

22                   “(i) recommendations to be updated  
23      or closed, including a reference to the ap-  
24      plicable recommendation number;

1                 “(ii) justifications, including any sup-  
2                 porting information, for updating or clos-  
3                 ing a recommendation; and

4                 “(iii) if applicable, specific suggestions  
5                 for updating a recommendation.

6                 “(C) PUBLIC COMMENT PERIOD.—The  
7                 Chairman shall provide 90 days for public com-  
8                 ment under this subsection.

9                 “(3) CONTENTS.—A review under paragraph  
10                 (1) shall include for each recommendation under  
11                 paragraph (2)—

12                 “(A) consideration of each justification  
13                 under paragraph (2)(B)(ii) and, if applicable,  
14                 each suggestion under clause (iii) of that para-  
15                 graph;

16                 “(B) an assessment of whether the rec-  
17                 ommendation is—

18                 “(i) outmoded or outdated in light of  
19                 changed circumstances, including the avail-  
20                 ability of new technologies;

21                 “(ii) ineffective, insufficient, impracti-  
22                 cable, or infeasible for achieving its objec-  
23                 tive;

24                 “(iii) unclear; or

1                         “(iv) inconsistent with or duplicative  
2                         of other recommendations;

3                         “(C) a determination, based on the assess-  
4                         ment under subparagraph (B), whether it is ap-  
5                         propriate to update or close the recommenda-  
6                         tion; and

7                         “(D) a justification for each determination  
8                         under subparagraph (C).

9                         “(4) REPORT.—Not later than 180 days after  
10                         the date the review under paragraph (1) is complete,  
11                         the Chairman shall submit to the Committee on  
12                         Commerce, Science, and Transportation of the Sen-  
13                         ate and the Committee on Transportation and Infra-  
14                         structure of the House of Representatives a report  
15                         that includes—

16                         “(A) the findings of the review under para-  
17                         graph (1);

18                         “(B) each determination under paragraph  
19                         (3)(C) and justification under paragraph  
20                         (3)(D); and

21                         “(C) if applicable, a schedule for updating  
22                         or closing a recommendation.”.

23                         (b) SAVINGS CLAUSE.—Nothing in this section or the  
24                         amendments made by this section may be construed to

1 limit the authority of the Board to update or close a rec-  
2 ommendation.

3 **SEC. 12. GENERAL ORGANIZATION.**

4 (a) TERMS OF THE CHAIRMAN AND VICE CHAIR-  
5 MAN.—Section 1111(d) is amended by striking “2 years”  
6 and inserting “3 years”.

7 (b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—  
8 Section 1111 is amended by adding at the end the fol-  
9 lowing:

10 “(k) OPEN MEETINGS.—

11 “(1) IN GENERAL.—The Board shall be deemed  
12 to be an agency for purposes of section 552b of title  
13 5.

14 “(2) NONPUBLIC COLLABORATIVE DISCUS-  
15 SIONS.—

16 “(A) IN GENERAL.—Notwithstanding sec-  
17 tion 552b of title 5, a majority of the members  
18 may hold a meeting that is not open to public  
19 observation to discuss official agency business  
20 if—

21 “(i) no formal or informal vote or  
22 other official agency action is taken at the  
23 meeting;

1                         “(ii) each individual present at the  
2                         meeting is a member or an employee of the  
3                         Board; and

4                         “(iii) the General Counsel of the  
5                         Board is present at the meeting.

6                         “(B) DISCLOSURE OF NONPUBLIC COL-  
7                         LABORATIVE DISCUSSIONS.—Except as provided  
8                         under subparagraph (C), not later than 2 busi-  
9                         ness days after the conclusion of a meeting  
10                         under subparagraph (A), the Board shall make  
11                         available to the public, in a place easily acces-  
12                         sible to the public—

13                         “(i) a list of the individuals present at  
14                         the meeting; and

15                         “(ii) a summary of the matters dis-  
16                         cussed at the meeting, except for any mat-  
17                         ter the Board properly determines may be  
18                         withheld from the public under section  
19                         552b(c) of title 5.

20                         “(C) SUMMARY.—If the Board properly  
21                         determines a matter may be withheld from the  
22                         public under section 552b(c) of title 5, the  
23                         Board shall provide a summary with as much  
24                         general information as possible on each matter  
25                         withheld from the public.

1                 “(D) PRESERVATION OF OPEN MEETINGS  
2                 REQUIREMENTS FOR AGENCY ACTION.—Nothing  
3                 in this paragraph may be construed to limit  
4                 the applicability of section 552b of title 5 with  
5                 respect to a meeting of the members other than  
6                 that described in this paragraph.

7                 “(E) STATUTORY CONSTRUCTION.—Nothing  
8                 in this paragraph may be construed—

9                         “(i) to limit the applicability of section  
10                 552b of title 5 with respect to any information which is proposed to be withheld  
11                 from the public under subparagraph  
12                 (B)(ii); or

14                         “(ii) to authorize the Board to withhold from any individual any record that is  
15                 accessible to that individual under section  
16                 552a of title 5.”.

18                 (c) INVESTIGATIVE OFFICERS.—Section 1113 is  
19                 amended by striking subsection (h).

20 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

21                 (a) TABLE OF CONTENTS.—The table of contents of  
22                 chapter 11 is amended in the item relating to section 1138  
23                 by striking “Board” and inserting “Board.”.

24                 (b) GENERAL AUTHORITY.—Section 1131(a)(1)(A) is  
25                 amended by striking “a public aircraft as defined by sec-

1 tion 40102(a)(37) of this title” and inserting “a public  
2 aircraft as defined by section 40102(a) of this title”.

